REMARKS

In the Office Action, the Examiner objected to the disclosure. The specification has been amended as indicated above and Applicant respectfully requests that the Examiner's objection to the specification be withdrawn.

Claims 5 and 19 have been canceled. Thus, claims 1-4, 6-11, 13-18, and 20-28 are pending in the present application.

In the Office Action, the Examiner objected to claims 5 and 19 for failing to further limit the subject matter of a previous claim. Claims 5 and 19 have been canceled, rendering the Examiner's objection moot.

In the Office Action, claims 8-11 and 13-14 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Examiner has alleged that claims 8-11 and 13-14 are non-statutory because they appear to be comprised of software alone without claiming associated computer hardware required for execution. Applicant respectfully disagrees and notes that there is no statutory requirement that claims set forth computer hardware that may be used to execute portions of a method. The correct standard for determining whether subject matter is statutory is that the subject matter be "useful, concrete, and tangible." Applicant respectfully submits that claims 8-11 and 13-14 are "useful, concrete, and tangible." In particular, by implementing a task picker that can transfer control to tasks within a queue for execution, resume execution after the executing task is completed, and continue to execute until a preselected event occurs, embodiments of the method set forth in independent claim 8 may permit computer systems to recover from errant or failed tasks. Thus, Applicant respectfully submits that claims 8-11 and 13-14 are useful and consequently are

directed to statutory subject matter. Applicant requests that the Examiner's rejections of these claims under 35 U.S.C. § 101 be withdrawn.

In the Office Action, claims 8-11, 13-14, and 22-28 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 8 and 22 have been amended. No new matter has been added. The subject matter set forth in claims 8-11, 13-14, and 22-28 is described at least from line 12 on page 28 to line 24 on page 29 of the Patent Application. Pursuant to these amendments, Applicant submits that claims 8-11, 13-14, and 22-28 comply with the written description requirement and requests that the Examiner's rejections of these claims under 35 U.S.C. § 112, first paragraph, be withdrawn.

In the Office Action, claims 1-11 and 13-28 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner's rejections are respectfully traversed.

In rejecting claims 1, 13, 15, and 22, the Examiner alleges that it is unclear what is meant by "determining at least one task to process based on a priority scheme" because no particular priority scheme is set forth in the claim. Applicant respectfully submits that a person of ordinary skill in the art having benefit of the present disclosure will be able to select from among a number of potential priority schemes that may be used to select the task to process. Examples of priority schemes include those discussed in the specification and those cited by the Examiner in the Office Action. However, Applicant submits that requiring the claims to set forth specific priority schemes unduly limits the scope of the present invention.

In rejecting claims 1, 15, and 22 the Examiner also alleges that it is unclear what is meant by "calling the exit routine based on determining that the task has not completed processing within a pre-selected period of time" because it is not clear who has the information. Applicants respectfully submit that it is not necessary to specify who has the information because persons of

ordinary skill in the art having benefit of the present disclosure will be able to determine how to access the necessary information to make the determination set forth in claim 1.

In rejecting claims 3 and 17, the Examiner alleges that it is not clear when and how the step of "generating an interrupt" is performed. Applicant respectfully submits that persons of ordinary skill in the art having benefit of the present disclosure will be able to select specific criteria that may be used to determine when an interrupt is generated. Applicant also submits that requiring claim 3 to set forth specific criteria for how and when an interrupt is generated would unduly limit the scope of the present invention.

In rejecting claims 6 and 20, the Examiner alleges that the phrase "returning control to a task picker in the queue" is unclear because it is not clear if the task picker is a pre-stored task or one of the tasks being stored in the queue. Applicants respectfully submit that the scope of claim 6 comprises both of the possibilities envisioned by the Examiner. Consequently, requiring further limitations to claim 6 would unduly limit the scope of the present invention.

In rejecting claim 8, the Examiner alleges that aspects of claim 8 are unclear. Pursuant to the amendments of claim 8 discussed above, Applicant respectfully submits that claim 8 is clear.

In rejecting claim 22, the Examiner alleges that it is uncertain whether the phrase "a task" is one of the "one or more tasks." Claim 22 has been amended to set forth selecting "a task from the queue." Applicant respectfully submits that claim 22 is therefore clear.

For at least the aforementioned reasons, Applicant respectfully submits that claims 1-11 and 13-28 are clear and requests that the Examiner's rejections of these claims under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Office Action, claims 1, 4-11, 13-15, and 18-21 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sand, et al. (U.S. Patent No. 6,148,322). Claims 2-3 and

16-17 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Sand in view of Fletcher (U.S. Patent No. 5,012,409). The Examiner's rejections are respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974).

Sand describes techniques for coordinating the execution of multiple tasks having varying degrees of priority. Sand describes a central processing unit 1 that is capable of executing one task at a time. Thus, each task may be assigned a request condition and a terminating condition. A central processing unit 1 terminates the currently executing task once this task satisfies the terminating condition. The lowest priority task is a cyclically-repeated task that is continuously executed as long as no task having a higher priority is awaiting execution. See Sand, col. 3, line 40-col. 4, line 30.

Independent claims 1 and 15 set forth storing one or more tasks in a queue. Each task has an associated exit routine. The Examiner alleges that the terminating condition described by Sand is an exit routine. Applicant respectfully disagrees. The terminating condition described by Sand simply expresses the conditions that must be satisfied before a task can be terminated by a central processing unit. However, the terminating condition does not indicate how the task is to be terminated (or any other actions that may be taken when a task is terminated) and is therefore not an exit routine.

Independent claim 8 sets forth, among other things, a task picker stored in a queue that is also used to store other tasks. The Examiner alleges that the cyclically-repeated task described by Sand is a task picker. Applicant respectfully disagrees. Sand is completely silent with regard to any particular operation that the cyclically-repeated task may perform and, in particular, does

not teach or suggest that the cyclically-repeated task selects tasks that may be performed. Thus, the cyclically-repeated task described by Sand is not a task picker.

The Examiner relies upon Fletcher to describe storing tasks at preselected time intervals. However, Fletcher does not remedy the aforementioned fundamental deficiencies of Sand.

For at least the aforementioned reasons, Applicant respectfully submits that Sand fails to teach or suggest all the limitations of the claimed invention. Consequently, Applicant respectfully submits that the Examiner has failed to make a *prima facie* case that the present invention is obvious in view of the cited references. Applicant requests that the Examiner's rejections of claims 1-11 and 13-28 under 35 U.S.C. § 103(a) be withdrawn.

In the Office Action, the Examiner indicated that claims 22-28 include allowable subject matter. Pursuant to the amendments and arguments presented herein, Applicants respectfully submit that claims 22-28 are allowable over the prior art of record.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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